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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,452	11/14/2003	Leslie Dawn Waits	9101	9644

27752 7590 11/17/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

PETRUNCIO, JOHN M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,452

Applicant(s)

WAITS ET AL.

Examiner

John M Petruncio

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 30 and 33 are objected to because of the following informalities:

Claim 30, line 1, rewrite "comprise" as – comprising --;

Claim 33, line 1, rewrite "An" to – A --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 8-17, 21-29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 6,093,343 to Addison et al.

The Addison et al '343 patent reference discloses at Composition G (col. 24 Example 1, line 25 et seq) encapsulate particles containing 96.6 % encapsulating coating and 3.4% pentaamineacetocobalt (III) nitrate bleach catalyst, construed as a glasscare active salt, present in an amount of 0.3 % of a bleach-containing machine dishwashing composition containing additional components such as a nonionic construed as detergent components and adjunct materials (see also col. 6, line 51 through col. 7, line 17) et seq as well as moisture, construed as water (see also col. 1, line 50). This reference further discloses that the bleach catalyst-containing composite particles are comprised of from 40% to 99% by weight encapsulating material which include gelatine, hydrolyzed gelatin, film-

forming carbohydrates including dextrin and gum Arabic (col. 1, line 49 and col. 5, lines 49-64) and that the bleach-catalyst containing composite particles comprise from 1 to 50% by weight of the metal-containing bleach catalyst (col. 1 line 48 and col. 5, lines 31-34) present from about 0.1% to about 10% by weight of the detergent composition, which is disclosed as granular or powdered (col. 6, line 1 et seq).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 5-7, 18-20, 30 and 32-33 rejected under 35 U.S.C. 103(a) as being unpatentable over the Addison et al '343 patent reference as relied upon hereinabove.

The Addison et al '343 patent reference, in addition to the disclosure relied upon hereinabove, further discloses that the metal containing bleach catalyst comprising a transition metal cation of defined catalytic activity and an auxiliary metal cation having little or no bleach catalytic activity such as zinc or aluminum cations (col. 2, lines 1-4). Other bleach catalysts are disclosed as an aluminosilicate support with manganese and zinc or magnesium salts (col. 3, lines 22-23). This patent reference does not refer to the term "glasscare active salts" per se. However at the time of the invention, one of ordinary skill in the art having the benefit of this reference would have it obvious to formulate an automatic dishwashing detergent composition containing salts of aluminum, zinc and/or magnesium as called for by the subject claims with a high expectation of success as Addison et al have taught their use in encapsulated bleaches for various detergent compositions, including automatic dishwashing detergent compositions. No claim stands allowed

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Petruncio whose telephone number is (571) 272-1323. The examiner can normally be reached on Monday-Fridays from ~9:30 AM to 6:00 PM.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (571) 272-1316. The fax phone

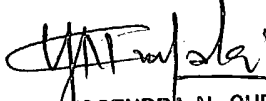
Art Unit: 1751

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John M. Petruncio

November 14, 2004


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
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